



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/658,142

09/09/2003

Ed H. Frank

14184US02

5401

23446 7590 05/29/2008
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

PARK, JUNG H

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

05/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/658,142

Applicant(s)

FRANK, ED H.

Examiner

JUNG PARK

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Remark

1. This communication is considered fully responsive to the Pre-Brief Conference request filed on 01/16/2008.
 - a. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. However, a new ground of 103 rejection is applied with a second reference as final rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-9, 11-19, 21-29, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US 5875185, "Wang") in view of Moelard et al. (US 5371738, "Moelard").

Regarding claims 1 and 21, Wang discloses a method [and a system] for providing location based configuration in a hybrid wired/wireless network, the method comprising:

- moving a location (moving of MTa using location message, see 104 fig.9A) of a network device (MTa, see 102 fig.9A) within the hybrid wired/wireless network (as shown in fig.4), the network device being movable within the hybrid wired/wireless network (Mobile Terminal is movable, see fig.4);

Art Unit: 2619

- determining configuration information (connecting message, see 104 fig.9A) corresponding to the determined location of the network device (MTa moves from old BS to new BS, see 104 fig.9A); and
- communicating the determined configuration information to the network device (determines if MTa's mobility, see 108 and 110 fig.9A) for providing location based configuration of the network device (110 fig.9A and fig.9B).

Wang discloses that a mobile station moves to a new coverage area where it will be located by sending a location message of the new base station to the original base station, but Wang does not explicitly disclose the limitation of "identifying a location of a mobile station. That is, finding the new coverage area where the mobile device will be belonged by the new base station is equivalent to identifying a location of the mobile device. However, the examiner provides a second reference to meet the limitation. Moelard discloses the method of identifying the location of the mobile wireless station relative to the base station (see col.2, ln.57-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the method of identifying a location of a mobile device of Moelard into the hand over method of Wang in order to provide seamless service during the hand over of mobile device.

Regarding claim 2, Wang disclose, "wherein the network device is selected from the group consisting of an access device (Mobile Terminal, see 64 fig.4), an access point (BS, see 60a-b fig.2) and a switching device (switch, see 54 fig.4)."

Regarding claim 3, Wang discloses, “further comprising discovering configuration information from at least one of a database, and a memory associated with at least one of the access point and the switching device (databases, see fig.8A and 108 fig.9A).”

Regarding claim 4, Wang discloses, “wherein the discovering further comprises scanning the database and the memory by the access device, access point and switching device to discover the configuration information (scanning for comparison, see 108 fig.9A).”

Regarding claim 5, Wang disclose, “wherein the determining further comprises scanning at least one RF channel by at least one of the access point and the access device to discover the configuration information (wireless transmission, see col.2, ln.1-6).”

Regarding claim 6, Wang lacks discloses, “wherein the RF channel is at least one of a broadcast channel and a setup channel (col.2, ln.1-6).”

Regarding claim 7, Wang discloses, “further comprising updating the network device with the communicated configuration information (116 fig.9B).”

Regarding claim 8, Wang discloses, “further comprising dynamically updating the network device with the communicated information whenever it is determined that at least one network setting corresponding to a location of the network device has changed (seamless handoff as described in 9A-B).”

Regarding claim 9, Wang discloses, “wherein the determined information is at least one of bandwidth etiquette and sharing rules, channel availability, preferred channel, and available communication protocols (114 fig.9B).”

Regarding claim 11, it is a claim corresponding to claim 1, except the limitation of “a computer-readable medium (a program for implementing flow charts, 9A-B) and is therefore rejected for the similar reasons set forth in the rejection of claim 1.

Regarding claims 12-19, they are claims corresponding to claims, 2-9, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

Regarding claims 22-29, they are claims corresponding to claims, 2-9, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

Regarding claim 31, Wang discloses, “further comprising at least one querying agent for querying a network device for location information (not shown agent for controlling databases, see fig.8B).”

Regarding claim 32, Wang discloses, “further comprising at least one informing agent for informing at least one of the access point, access device and switching device

Art Unit: 2619

of at least one network parameter related to location based configuration (not shown agent for informing location, see the flow chart of fig.9A).

4. Claims 10, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Moelard and further in view of Augart (US 7200673, "Augart").

Regarding claims 10, 20, and 30, Wang discloses, "triangulating locations of network routing devices named in the received routing information to determine the location of the network device (as shown in fig.4)", but lacks what Augart discloses, "wherein the determining further comprises: sending a ping message (a probe packet, see 150 fig.2 and col.4, ln.56-67) to at least one network routing device; receiving routing information associated with the ping message (TTL values, see col.4, ln.56-67)." Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the probe packet taught by Augart into the hybrid network of Wang and Moelard in order to determine a geographical location of a network device for seamless service on a network.

Response to Arguments

5. Applicant's arguments in Pre-Brief Conference request with respect to claims 1, 11, and 21, and 10, 20, and 31 have been considered but are not persuasive.

At pages 2-4, applicant argues that Wang fails to disclose, "identifying a location of a network device within the hybrid wired/wireless network, the network device being movable within the hybrid wired/wireless network."

In reply, Wang discloses that a mobile station moves to a new coverage area where it will be located by sending a location message of the new base station to the

Art Unit: 2619

original base station. That is, finding a new coverage area where the mobile device will be belonged by the new base station is equivalent to identifying a location of the mobile device. However, the examiner provides a second reference to meet the limitation. Moelard discloses the method of identifying the location of the mobile wireless station relative to the base station as described in col.2, ln.57-58. Therefore, the examiner respectively disagrees.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 6:15-3:45.

Art Unit: 2619

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jung Park
Patent Examiner

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2619